

EXHIBIT 17

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DON EUGENE SIEGELMAN, ET AL.

Defendants.

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CASE NO. 2:05-CR-119

AFFIDAVIT OF VINCENT F. KILBORN, III, ATTORNEY

Before me, the undersigned authority, personally appeared VINCENT F. KILBORN, III, who being first duly sworn to speak the truth does hereby depose and state as follows:

1. My name is Vincent F. Kilborn, III of the law firm Kilborn, Roebuck & McDonald located in Mobile, Alabama and I am the lead attorney representing Governor Don Eugene Siegelman, Defendant in the above styled cause.

2. During the sentencing phase of the United States of America's case against Governor Siegelman, I called to testify witnesses who could attest to Governor Siegelman's good character and given each witness' personal history and knowledge of Governor Siegelman, asked each to opine as to whether Governor Siegelman would pose a flight risk if he were to be released on bond pending an appeal of the sentence imposed. This Affidavit contains a brief description of each witness' background and my recollection of the good character and flight risk testimony pertaining to Governor Siegelman given by these witnesses at the sentencing hearing.

3. The individuals I called on behalf of Governor Siegelman and a summary of my recollection of the opinions expressed by these individuals during the sentencing hearing are set forth below.

4. **Robert Abrams** is a partner with the law firm of Strook, Strook & Lavan which is headquartered in New York City, New York. Mr. Abrams' distinguished career includes three terms in the New York State Assembly, three terms as Borough President of the Bronx and four terms as Attorney General for the State of New York. Mr. Abrams is a long time friend of Governor Siegelman and testified as to his good character.

Mr. Abrams met Governor Siegelman during his term as Attorney General for the State of Alabama. Thereafter, they became close friends, their families visiting during the holidays and at other times. In his testimony, Mr. Abrams recounted several encounters he felt to be reflective of Governor Siegelman's good character. I asked Mr. Abrams if in his opinion, Governor Siegelman would pose a flight risk should the judge grant a bond on appeal. Mr. Abrams unequivocally stated that he did not represent that type of risk.

5. **Major General Michael Sumrall** is the Assistant to the Chairman, Joint Chiefs of Staff (General Peter Pace) for National Guard matters. Major General Sumrall began his military career in 1966 as an enlisted soldier with the Alabama Army National Guard. He was commissioned in 1970 as a 2nd Lieutenant and achieved the rank of Major General in 2005. Major General Sumrall is a friend of Governor Siegelman and traveled from the Pentagon to Montgomery, Alabama to testify as to his good character.

General Sumrall described many acts demonstrating the good character of Governor Siegelman and recommended the Court look at his public service. I asked

General Sumrall if in his opinion, Governor Siegelman would pose a flight risk should the judge grant a bond on appeal. General Sumrall testified that in his opinion he would not pose any such risk.

6. **John C. (Jack) Miller, Jr.** is the founding attorney of the Mobile, Alabama law firm Miller, Hamilton, Snider & Odom. During his legal career, Mr. Miller has served as counsel to the United States Committee on Banking, Housing and Urban Affairs under the chairmanship of Senator John Sparkman, First Assistant to the Director of the FDIC and, subsequently, Deputy to the Chairman of the FDIC. Mr. Miller also served as Chairman of the Alabama Democratic Party. Mr. Miller has known Governor Siegelman since he was in high school and throughout his political career. He considers Governor Siegelman a friend and testified as to his good character.

I asked Mr. Miller if in his opinion, Governor Siegelman would pose a flight risk should the judge grant a bond on appeal. Mr. Miller's response was words to the effect that if Governor Siegelman was going to flee he would have already done so.

7. **Mrs. Helen Vance** is the widow of Judge Robert Vance, a United States Court of Appeals Judge for the Eleventh Circuit who was killed at his home when he opened a package containing a mail bomb shortly before Christmas in 1989. Judge Vance is known as being one of the few judges murdered as a result of his judicial service. Helen Vance was severely injured in the blast but survived. She has known Governor Siegelman for 30 years and considers him a friend.

Mrs. Vance met Governor Siegelman when he was a young lawyer working in the law firm with her husband who at that time was Chairman of the Democratic State Party. After the bombing that killed her husband, Mrs. Vance was rushed to the hospital. She

testified that Governor Siegelman not only went to the hospital, but brought sandwiches and coffee for everyone waiting to see how she was doing. Thereafter, Governor Siegelman called her every couple of months to check on her. In her testimony, Mrs. Vance described Governor Siegelman as a good man and she does not believe that Governor Siegelman would pose a flight risk.

8. **Robert D. Segall** is a well known Montgomery attorney with the law firm of Copeland, Franco, Screws & Gill. Mr. Segall received a J.D. from the University of Alabama School of Law, graduating Summa Cum Laude in 1971 and pursued an LL.M from Harvard University Law School. Mr. Segall served as President of the Alabama State Bar from 2005 to 2006 and President-Elect from 2004 to 2005. Attorney Segall testified as to Governor Siegelman's good character. When I asked Attorney Segall if in his opinion, Governor Siegelman would pose a flight risk should the judge grant a bond on appeal, he stated words to the effect that there is a 100% chance Don Siegelman will be where the judge tells him to be and when.

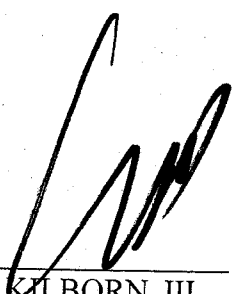
9. **Kenneth Maze Marshall** is a veteran who was paralyzed after falling from a helicopter in Korea. Mr. Marshall is a long time friend of Governor Siegelman and testified as to his good character.

Mr. Marshall met Governor Siegelman at a church service. At that time, Mr. Marshall testified that he had very little money, few clothes to wear and because of his money situation ate only every couple of days. Governor Siegelman approached him to ask about his situation and later gave him his personal contact information. Mr. Marshall decided to call the Governor to see if he was sincere not expecting Governor Siegelman to remember him. Mr. Marshall testified that not only did Governor Siegelman

acknowledge that he knew him, Governor Siegelman welcomed him. Mr. Marshall went on to describe Governor Siegelman as a good man who reaches out to people. I asked Mr. Marshall's opinion as to whether he thought Governor Siegelman would post a flight risk should the judge grant a bond pending appeal. Mr. Marshall stated emphatically that he would pose no such risk.

Further affiant sayeth not.

Dated this 6th day of July, 2007.


VINCENT F. KILBORN, III

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned Notary Public in and for the State of Alabama, personally appeared **Vincent F. Kilborn, III**, whose name is signed to the foregoing Affidavit, and who is known to me, being sworn, acknowledged that he, having been informed of the contents thereof, voluntarily executed and delivered the same on this date.

Given under my hand and official seal this the 6th day of July, 2007.


NOTARY PUBLIC

My Commission Expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 12, 2009
BONDED THRU NOTARY PUBLIC UNDERWRITERS